

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

EUGENE KLINE, et al., :  
Plaintiffs, : Case No. 3:08cv408  
vs. : JUDGE WALTER HERBERT RICE  
MORTGAGE ELECTRONIC SECURITY :  
SYSTEMS, et al., :  
Defendants. :

---

DECISION AND ENTRY ADOPTING REPORT AND  
RECOMMENDATIONS OF MAGISTRATE JUDGE (DOC. #227);  
DECISION AND ENTRY SUSTAINING MOTION TO DISMISS FILED BY  
DEFENDANT WELLS FARGO BANK, N.A. (DOC. #182)

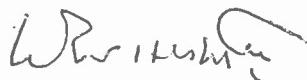
---

In a Report and Recommendations (Doc. #227) filed on February 16, 2011, United States Magistrate Judge Sharon Ovington recommended that this Court sustain the Motion to Dismiss (Doc. #182) filed by Defendant Wells Fargo Bank, N.A. ("Wells Fargo").

The parties were given until March 7, 2011, in which to submit objections to that judicial filing, and none have been submitted. In accordance with 28 U.S.C. § 636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure, this Court has conducted a de novo review of Wells Fargo's motion and the parties' papers pertaining thereto. Based upon that review, this Court agrees with the conclusion

reached by Judge Ovington, that the claims of Plaintiff Jon Shayne Jones, for breach of contract and unjust enrichment under the common law of Ohio, are barred by the doctrine of claim preclusion. Accordingly, the Court adopts the Report and Recommendations (Doc. #227) of the Magistrate Judge and sustains Wells Fargo's Motion to Dismiss (Doc. #182) those claims.

March 24, 2011



---

WALTER HERBERT RICE, JUDGE  
UNITED STATES DISTRICT COURT

Copies to:

Counsel of Record.